

REMARKS/ARGUMENTS

I. Status of the Claims

Claims 1-115 were originally filed. Claims 28-104 were subsequently canceled. Claims 1, 4, 7, 9, 15, 18, 22, and 27 are amended as follows: The claims have been amended to recite the term "isolated." Support for this term can be found in the specification, e.g., on page 51, line 5. This amendment introduces no new matter.

II. Claim Rejections

A. 35 U.S.C. § 101

The Examiner rejected claims 1, 4, 7, 9, 15, 18, 22, and 27 under 35 U.S.C. § 101 as allegedly reading on a product of nature. To expedite prosecution, Applicants have amended the claims to recite that the polypeptides are "isolated," e.g., polypeptides or fusion proteins purified or isolated from their natural source or made recombinantly or chemically. Applicants therefore respectfully request that the rejection be withdrawn.

B. 35 U.S.C. § 112 First Paragraph

The Examiner further rejected claims 1-27 and 105-115 under 35 U.S.C. § 112 first paragraph for allegedly lacking enablement. Specifically, the Examiner states that although the specification is enabling for whole antigens or fusion proteins, it is not enabled for "immunogenic fragments thereof." Applicants respectfully traverse. At most, only routine experimentation would be required to identify immunogenic fragments of the polypeptides of the invention, using the methods recited in the specification (e.g., page 51, lines 12-29) or using methods well known to those of skill in the art. Applicants therefore respectfully request that the rejection be withdrawn.

CONCLUSION

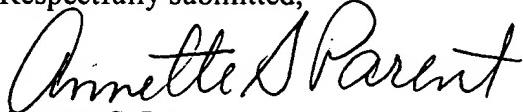
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 09/688,672
Amdt. dated November 25, 2003
Reply to Office Action of November 17, 2003

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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